

Proposed Prioritization of Drinking Water Regulations for Calendar Year 2018

State Water Resources Control Board
Division of Drinking Water

Board Meeting
February 20, 2018 – Item 2

Maximum Contaminant Level (MCL) Review

- At least once every five years
- Provide public notice by March 1 of any proposed drinking water standard review
- Considerations for MCL Review:
 - 1) changes in treatment technologies that provide a greater protection of public health*
 - 2) new evidence indicating a greater risk to public health*

2018 MCL Review

- All 82 MCLs evaluated in 2017
- MCLs for 55 contaminants evaluated this year
 - 29 MCLs are established at levels less than or equal to corresponding PHG
 - 26 regulated contaminants were not detected in the last four years of statewide monitoring of public water system sources
- No MCL revisions recommended
- Perchlorate DLR
 - PHG lowered from 6 ppb to 1 ppb in 2015
 - DDW recommended lowering the detection limit for reporting purposes – *Approved by Board July 5, 2017*
 - Recommendation coming later in this year

Drinking Water Regulations Update

- MCL for 1,2,3-Trichloropropane (1,2,3-TCP)
 - *Adopted July 18, 2017; effective December 14, 2017*
- Surface Water Augmentation (SWA) Regulation
 - *Scheduled for State Water Board adoption hearing March 6, 2018*
- Permanent Point of Use (POU) / Point of Entry (POE) Regulations
 - *Adopted February 6, 2018; expected effective July 1, 2018*
- Court Invalidated Chromium VI MCL May 31, 2017
 - *MCL removed from Code of Regulations September 11, 2017*

Lead and Copper Rule (LCR)

- Plumbing materials are the primary sources of contamination
- Regulatory approach
 - Action levels instead of MCLs
 - Compliance assessed at tap
- 1991 U.S. EPA Lead and Copper Rule (LCR), revised 2007
- U.S. EPA considering long-term revisions
 - Proactive lead service line replacement programs
 - More robust public education requirements
 - Targeted outreach to consumers who might have lead service lines
 - Outreach to vulnerable populations

Lead in Drinking Water – California Law and Initiatives

- DDW is implementing a voluntary program for schools to test for lead in faucets and fountains
- Assembly Bill 746 took effect January 1, 2018
 - By July 1, 2019, community water systems must test for lead at public K-12 schools constructed before January 1, 2010
 - Schools must notify parents and guardians of instances of elevated lead and take immediate steps to make those faucets inoperable
- DDW is implementing Senate Bill 1398 – 2016 Lead Service Line Inventory Requirements

Potable Reuse with Recycled Water

- **Indirect Potable Reuse (IPR)**
 - Surface water augmentation (SWA)
 - Mandate to adopt criteria by December 31, 2016
 - Adoption hearing scheduled for March 6, 2018
- **Direct Potable Reuse (DPR)**
 - No environmental barrier
 - Mandate to adopt criteria by December 31, 2023
 - Research required by Water Code §13561.2(c) before adopting uniform water recycling criteria

Revised Total Coliform Rule Status

- U.S. EPA Revised Total Coliform Rule effective April 1, 2016
- Proposed CA RTCR
 - Would adopt all but 9 federal provisions; CA more stringent
 - Increased levels of monitoring to determine contamination levels
- 6 public workshops held in February and March 2017
- Public notification beginning formal public comment period - expected in late 2018
- Public hearing
- Board adoption
- Regulations effective following OAL review/approval in early to mid-2019

Cross-Connection Control

- **Title 17, section 7583(e): “Cross-Connection”**
 - *“an unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable.”*
- **Two components**
 - Update of existing regulations
 - AB 1671 (2017)
 - Mandated adoption of standards by 2020
 - May do so through adoption of a policy handbook

Environmental Laboratory Accreditation Program (ELAP)

ELAP - accredits laboratories conducting environmental testing for regulatory compliance in California

- “Preliminary draft regulations” posted July 2017 for review and comment
- Six workshops held in July and August 2017
- Board adoption tentatively planned for 2019
- Full compliance date approximately 3 years from adoption

Primacy Packages

- To maintain primacy, states must demonstrate that state regulations are legally enforceable and at least as stringent as federal regulations
- States submit a primacy package to U.S. EPA, including a 'crosswalk', to show how adopted state regulations align with all provisions of the federal regulations
- DDW has a backlog of primacy packages, some dating back to pre-1997
- High priority for U.S. EPA – DDW staff is coordinating with U.S. EPA to reduce backlog
- DDW staff completed two crosswalks in 2016 (LT1 and LT2)

Staff Recommendation for Prioritization of Drinking Water Regulations in Calendar Year 2018

PROPOSED WORK PRIORITIES

1. Economic Feasibility Criteria
2. Hexavalent Chromium MCL
3. Lead and Copper Rule (LCR)
4. Surface Water Augmentation (SWA) Regulation
5. Direct Potable Re-use (DPR) – Research and Framework
6. Revised Total Coliform Rule (RTCR)
7. Cross-Connection Control Regulations
8. Environmental Laboratory Accreditation Program (ELAP) Regulations
9. Primacy Package Applications
10. Direct Potable Re-use – Regulations
11. Revised Detection Limit for Purposes of Reporting for Perchlorate

Questions